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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,583	10/31/2003	Phillip P. Garcia		1648

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MICHAEL R. McKENNA
Ste. 3800
500 W. Madison Street
Chicago, IL 60661-2511

EXAMINER

VASUDEVA, AJAY

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/698,583

Applicant(s)

GARCIA, PHILLIP P.

Examiner

Ajay Vasudeva

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-20, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20 and 23 is/are rejected.
- 7) ☒ Claim(s) 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Withdrawal of Finality

1. The finality of the previous Office action is being withdrawn. This action contains non-final rejections based on new grounds. Examiner regrets the inconvenience caused to the applicant and his representative.

Drawings

2. The free-hand rendering in the drawings is objected to. Applicant is requested to submit formal drawings.

Abstract

3. Applicant is reminded that the abstract of the disclosure should include that which is new in the art to which the invention pertains. Therefore, the following change is recommended:

- On line 5, after "horizontal axis", insert – **through a 360 degree arc** --

Claim Objections

4. Claims 23 and 24 are objected to because of the following informalities:

- In claim 23 (line 8), after "forward through a", insert – **second** – to maintain continuity between the first and third positions described in the claim.
- In claim 23 (line 8), it is recommended that the limitation "**neutral torque turning thrust**" be changed to -- **neutral thrust turning torque** – for clarity (note the same claim objection in the previous Office action).
- In claim 23 (line 11), the subsection numbering " i " should be deleted/amended.
- In claim 24 (line 8), after "forward through a", insert – **second** --.

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- In claim 24 (line.9), it is recommended that the limitation “**neutral torque turning thrust**” be changed to -- **neutral thrust turning torque** – for clarity.
- In claim 24 (lines 15 and 16, respectively), after “**neutral**” insert -- **thrust** –.

Appropriate correction is required.

5. The following optional changes in the claims are recommended for clarity:

- In claim 17 (line 2), after “propelling the air boat in”, change “**any**” to – **every** --.
- In claim 18 (line 2), after “propelling the air boat in”, change “**any**” to – **every** --.
- In claim 23 (line 2), after “propelling the air boat in”, change “**any**” to – **every** --.
- In claim 24 (line 15), after “powered boat in”, insert – **every** --.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 17-20 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In claim 17 (line 13) and claim 18 (line 14), use of the limitation “fuel reservoir supported **on the frame**” (emphasis added) makes the claims indefinite. The limitation “the frame” lacks proper antecedent basis in the claims, and therefore it is not clear as to what such frame is.

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- In claim 23, lines 11-17 essentially repeat the same limitations as set forth previously on lines 3-10, thereby making it difficult to understand the exact metes and bounds of the claimed matter. Further, on line 11, the claim sets forth "means for propelling includes means for rotating". However, it is not clear if such means for rotating is same or different from the "means for rotating" recited previously on line 5 of the claim. The claim should be rewritten to avoid redundancy.

Allowable Subject Matter

8. Claims 17-20 and 23 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
9. Claim 24 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

Response to Arguments

10. Applicant's arguments with respect to claims 17-20 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record in the attached Form 892 and not relied upon is considered pertinent to applicant's disclosure:

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ajay Vasudeva
Examiner
Art Unit 3617

AV


AJAY VASUDEVA
PATENT EXAMINER 8/14/05